

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 19.11.2018

*CORAM

THE HON-BLE MR.JUSTICE K.K.SASIDHARAN

and

THE HON-BLE MR.JUSTICE G.R.SWAMINATHAN

+W.P.(MD)No.4865 of 2018

and

W.M.P.(MD)Nos.4868 and 4869 of 2018

#V.Ravikumar

: Petitioner

Vs.

\$1.The Commissioner,

Thoothukudi Municipal Corporation,

Thoothukudi.

2.Mohamed Riyas Bazul Azhab : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in Na.Ka.No.1169/2017/F1/Kima, dated 27.02.2018 on the file of the first respondent and quash the same as illegal.

!For Petitioner : Mr.G.Prabhu Rajadurai

^For Respondent No.1: Mr.Saji Bino

:ORDER

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The first respondent issued notice dated 18.01.2018, pursuant to the direction given by this Bench in W.P.(MD)No.15378 of 2017 on 05.09.2017. After the notice was received by the writ petitioner, he submitted his reply dated 26.02.2018. It is evident from the records that the said reply was received by the Corporation on the very next day i.e., on 27.02.2018. But the impugned order reads that the writ petitioner did not offer any objection. Since the impugned order has been passed without consideration of the writ petitioner-s reply, the order impugned in the present Writ Petition has to be necessarily quashed. It is, accordingly, quashed. The Writ Petition is allowed. The matter is remitted to the file of the first respondent to pass orders afresh in accordance with law, after due consideration of the writ petitioner-s reply dated 26.02.2018. It is made clear that the writ petitioner shall also be given an opportunity of personal hearing. It is open

to the writ petitioner to place additional materials for consideration of the first respondent during the course of personal hearing. No costs. Consequently, the connected miscellaneous petitions are closed.